RAJYA SABHA

Monday, the 1st March," 1993/lOth Phalguna, 1914 (Saka)

The House met at eleven of the Clock Mr.. Chairman in the Chair.

ORAL ANSWERS TO QUESTIONS

*81. [The questioners *(Shrimati Kamla Sinha and Shri Suresh Kaimadi)* were absent.

For answer, vide col .....infra.]

MR. CHAIRMAN : Question No. 82. *(Interruptions).*

Norms for recognition of Central Trade Unions

*82. SHRI ASHIS SEN: Will the Minister of LABOUR be pleased to state:

(a) whether Government have laid down norms for the recognition of Central Trade Unions;

(b) if so, what are the norms; and

(c) what is the number of Central Trade Unions recognised by Government on the basis of these norms?

THE MINISTER OF STATE OF THE MINISTRY OF LABOUR (SHRI PA. SANGMA): (a) to (c) A Statement is laid on the Table of the House.

Statement

In a meeting with' the representatives of all Central Trade Union Organisations (CTUOs) held by Labour Minister on 15.5.90, it was resolved that those CTUOs which had a verified membership of 5 lakhs or more and which were spread over 4 States and 4 industries including agriculture, would be recognised as Central Trade Union Organisations for the purpose of their representation on various national and international Conferences, Committees and Councils. No formal recognition to any of the CTUOs has been accorded so far on the basis of the norms evolved at the meeting. However the ten CTUOs which had participated in the general verification as on 31.12.1980 are being nominated to the various committees etc. constituted by the Government.

SHRI ASHIS SEN: I have asked the question, Sir.

Mr. CHAIRMAN: The Minister has answered the main question. Please put your supplementary.

SHRI ASHIS SEN: Sir, ... *(Interruption),*

SHRIMATI KAMLA SINHA: I have come just half a minute late. My question was the first question.

MR. CHAIRMAN: The second question is already on. At the end, if there is time, we will come back.

SHRI ASHIS SEN: Sir, what has been given in the answer is about the recognition of Central Trade Union Organisations and the norms for that. But there are industrywise organisations. The Professional Workers Trade Union Centre of India represent an overwhelming majority of officers in banking, insurance and other public sector organisations. What will be the basis for their recognition? Though they are not a Central Trade Union according to the norms stated, they are Central Trade Union of all the officers in banking, insurance and public sector undertakings. What will be the basis for their recognition? This is my first supplementary.

SHRI P.A. SANGMA: Sir, when we talk about recognition, there are two aspects of it. One is the recognition of a union for the purpose of its becoming' a bargaining agent, a negotiating agent, at a plant level or at an industry level. Now, there is no law which specifically lays down under what circumstances a union can be recognised for that purpose. The Trade Unions Act only provides for the registration of trade unions. And, any seven members forming a union can be

registered. From among those registered unions, it is for the management to recognise the largest trade union for the purpose of negotiating with the management. This is one aspect.

Now, as far as I understand, the question relates to the recognition of Central Trade Union Organisations for the purpose of representing either in international organisations or in national organisations, like the ILO or the Indian Labour Conference. This is the second aspect of it. Even here, we do not have any fixed law providing for such negotiations. Recognition is through conventions. The 17th Labour Conference which was held in 1959 laid down certain criteria for recognition of trade unions for the purpose of giving fnein representation in trie *ILO* or in national level organisations like the Indian Labour Conference. And, it was agreed that for a union to be recognised, for that purpose, it must have a strength of at least one lakh members and the organisations must have an all-India character and on this basis, they were given representation in the ILC, the Standing Labour Committee and other conferences. This situation was reviewed in 1982 and there they laid down a condition saying "No, one lakh membership is too small. Therefore, it should be raised at least - to 5 lakh membership and besides having a membership of 5 lakhs, the unions must be spread over at least four States and four industries." So this is the criteria laid down and it is on this basis that the latest verification process is being carried out. So there is no law established in the country which lays down a specific condition for recognition. This is the principle which has been laid down by the Indian Labour Conference.

SHRI ASHIS SEN : I can understand the manner in which the recognition for the purpose of representation in the ILO and the national level conferences is mentioned but he has also mentioned how to be a bargaining agent. For the purpose of being a bargaining agent, what is the norm? The Minister said, "There is ncr law." There must be a certain law. Otherwise, the practice should be that in all the Central Trade Unions, industry-wise, the negotiating or bargaining agent must be allowed to participate. Now, here the question arises whether a professional trade union of officers—The Professional workers Trade Union Centre of India—would be called for the purpose of bargaining in a particular industry or not. Similarly, the question of industry-wise negotiation conies. Now, in the banking industry, so many Central Trade Unions are there. But only one or two trade unions are allowed to participate in the bargaining process. Why not all the Central Trade Unions be there? What will be the criterion for meeting all the Central Trade Unions in individual industries to participate in the negotiation fora as bargaining agents? What should be the nortn? I would like to know whether the *Government has decided this issue or* given directions to the respective managements. The first question relates to the national level conferences; the second relates to the ILO and the third to the industry-wise bargaining agency. For that, what is the decision of the Govwrnment? I would like to know that from, the Government.

SHRI P. A. SANGMA: Sir, as far as the present norms are concerned, I have already stated that. But the whole law is under review and the Government has completed its consultations with various trade union organisations and the employer organisations for bringing about some changes in the industrial relations law in the country. As far as the norms for recognition are concerned, we do not intend to have any change. But as far as registration is concerned, the present law may undergo some changes.

श्री सैयद सिब्ते रजी : सर, माननीय मंत्री जी ने जैसा बताया कि अभी तक बाकायदा तौर पर किसी भी सेंट्रल ट्रेड यूनियन आर्गनाइजेशन को मान्यता नहीं दी गई है और जो उन्होंने स्टेटमेंट दिया है उससे भी पता चलता है कि उनकी 5 लाख की सदस्यता होनी चाहिए, 4 प्रदेशों में उनका काम होना चाहिये और उसी के साथ-साथ चार तरह की इंडस्ट्रीज में उनकी मेंबरशिप होनी चाहिये। मैं माननीय मंत्री जी से जानना चाहूंगा कि इतने सख्त रिकॉगनिशन के नौर्म्स की वजह से बहुत सारे जो अंतर्राष्ट्रीय मामलात हैं उसमें सेंट्रल ट्रेड यूनियन आर्गनाइजेशंस का रजिस्ट्रेशन नहीं हो सका है। 1990 से

लेकर अब तक कितने अंतर्राष्ट्रीय सम्मेलन ऐसे हुए हैं जहां पर इस प्रकार की हमारी यूनियन का रजिस्ट्रेशन नहीं हुआ है और क्या सरकार जैसा कि अभी मंत्री जी ने कहा कि हम सोच नहीं रहे हैं, लेकिन मैं माननीय मंत्री जी को बताना चाहूंगा कि बहुत सारी सेंट्रल ट्रेड यूनियन आर्गनाइजेशंस इन सख्त रूल्स की वजह से रिकोगनाइज नहीं हो पा रही हैं। क्या मंत्री जी इस असुविधा और इस सख्ती की ओर ध्यान देंगे और प्रयास करेंगे कि रुल्स में कुछ कमी लाई जाए ताकि सेंट्रल ट्रेड यूनियन आर्गनाइजेशंस का अच्छा प्रतिनिधित्व अंतर्राष्ट्रीय जगत में और राष्ट्रीय जगत में अपने मामलात को तय करने के संबंध में हो सके?

SHRI P.A. SANGMA : Sir, these norms are not set by the Government. These norms are ,he decisions of the Indian Labour Conference which is tripartite in character. That is number one. Secondly, in order to go into the whole process of verification the Government has constituted a Standing Committee with a representative each of all the Central Trade Union Organisations as menbers there and with the Chief Labour Commissioner as its Chairman. Therefore, it is this Standing Committee which goes into all the aspects of verification and all the aspects of recognition and the Government normally acts on the advice of the Standing Committee.

Now as far as the number is concerned, sir, so far 13 Central Trade union organisations having a strength of more than five lakhs each, have submitted their claim for recognition, and out of those 13, on a preliminary verification we have found that 12 Central Trade uniqn Organisations are qualified for verification of their membership for the final recognition and one Central Trade Union Organisation which claimed to have more than five lakh membership has been found to be not having that much number. So it has been deleted. So, as of now, we have 12 Central Trade Union Organisations having a membership of more than five lakhs.

श्री जगदीश प्रसाद माथुर : मैं मंत्री महोदय का ध्यान आकृष्ट करना चाहता हूं उनके आखिरी वाक्य पर—

> "However, the ten CTUOs which had..... as on 31.12.1980 arc being nominated to the various committees etc. constituted by the Government."

क्या उन्हें मालूम है कि बी०एम०एस० (भारतीय मजदूर संघ) रिकोग्राइज्ड बॉडी है। आई०एल०ओ० में भी जाता है लेकिन बहुत सी नैगोशियेटिंग कमेटीज़ जो है उसमें भारतीय मजदूर संघ को नहीं रखा गया। कारण यह बताया जाता है कि जो तीन-चार संस्थाएं हैं उनको हम रख रहे हैं, पांचवां जोड़ा नहीं जाएगा। यद्यपि भारतीय मजदूर संघ की सदस्यता संख्या उन लोगों से बहुत ज्यादा है जो नैगोशियेटिंग कमेटीज़ में बैठे हैं।

तो मैं जानना चाहता हूं कि क्या इस विषय में पुनर्विचारर करेंगे कि क्यों भारतीय मजदूर संघ को नॉमिनेट नहीं किया जाता यद्यपि वह आई०एल०ओ० के लिए और नेशनल काफ्रेंस के लिए भी रिकोग्राज्ड है।

SHRI PA. SA.NGMA-. Sir BMS is, a recognised Central Trade Union Organisation. In fact, BMS has the second largest membership in the country next to ITUC. Now as far as other unions are concerned... *(interruption)* ...

SHRIMATI KAMLA SINHA: INTUC. Please correct yourself.

SHRI P.A. SANGMA: INTUC. Yes, it is INTUC.

SHRI PRAMOD MAHAJAN: He is forgetting his own organisation.

SHRI P.A. SANGMA: No, no, I don't. INTUC. ...*(interruption)*....

Of course, it is common knowledge that we have the strongest organisation. There is no doubt about it.

Sir, as far as the other unions which have been allowed to be represented in the international organisations and the Indian Labour Conference are concerned, there are two Unions, belonging to my leftist friend, AITUC and CITU... *(interruption)*...

SHRI JAGDISH PRASAD MATHUR: Sir, the hon. Minister is getting astray. My issue is why in spite of being recognised, BMS representatives are not being nominated by the Government on certain Committees. They are meant for bargaining... *(interruption)*....

बहुत सी ऐसी नैगोशियेटिंग कमेटीज़ हैं गवर्नमेंट की जिसमें बी०एम०एस० को नहीं लिया जाता हालांकि उनकी सदस्यता सबसे ज्यादा है और बाकी जो कम

वाली हैं उनको लिया जाता है और यह बार-बार कहा जाता है कि जो चार-पांच यूनियन हैं, हमारी रिप्रैजेंटेटिव बॉडी बैठी है, हम छठे को नहीं देने देंगे।

SHRI P.A. SANGMA: Sir, BMS has got a verified membership of 12,11,000 in the whole of India. As far as recognition as a bargaining agent or a negotiating agent is concerned it will depend on its strength at the plant level. If it is the major union, naturally the management will recognise it as a bargaining agent but there are industries where the BMS may not have the required strength. So I am. not concerned for that.

SHRI JAGDISH PRASAD MATHUR: They have got not only the required strength, but much more strength than that. Why are they not being recognised?...*(interruption)*....

SHRI P.A. SANGMA: If you have some specific case, you can bring it to my notice, but the general fact is.... *(interruption)*....

SHRI JAGDISH PRASAD MATHUR: Shall I take it that if I represent a specific case, you will recognise them?___ *(interruption)*...

If I produce a specific case, shall I take it that you will provide recognition to them and place them on this Committee?... *(interruptions)*...

SHRI P.A. SANGMA: Sir, it is not for me to recognise a bargaining agent; it is for the management and whoever has got the largest strength is automatically recognised. I will give... (In*terruptions)*...

MR. CHAIRMAN: The Minister will look into it.

SHRI E. BALANANDAN: The hon. Minister was saying that the Government was considering a change in the law making the recognition of trade unions also a part of the new law. May I put a question to the hon. Minister, Sir? There are Central Trade Unions and Central Trade Unions for certain professions, like bank employees, insurance employees. A bargaining system is now followed by the Government with these employees' organisation. All the Central Trade Unions are given chances at the negotiating table. Is it a fact that the Bank Employees' Federation of India (BEFI) is not being allowed to bargain? If so, why is it not being allowed? Secondly, recognition of a trade union is a question to be decided by law. Will the Government consider bringing forward a law for recognition of trade unions?

SHRI P.A. SANGMA: Sir, as far as an individual union at an individual plant level is concerned, I will not be able to answer that on the spot because I require some informatioin. I am only talking of the norms which are applicable to the country as a whole. Therefore, as far as any specific instances which have been cited by the hon. Members are concerned, I will have to verify and I will have to look into that situation. Therefore, I would not be able to answer that. But as far as the new legislation is concerned, I said that for the purpose of registration of a trade union the law may undergo a change because, as of today, we have provided that any association of seven workers can form a trade union and they should be recognised. Now, as a result of this, there has been multiplicity of unions and mushroom growth of unions which actually weakness the bargaining power of the workers themselves. Therefore, we are considering reducing the multiplicity of trade unions in the country and, therefore, the number may undergo a change for the purpose of registration of a trade union. As far as recognition as a bargaining council is concerned, we do not intend to bring about a change in the concept of it. But the process of verificatioin for the purpose of recognition as a bargaining agent is under debate now. There is no unanimity among the trade unions themselves on this issue, whether it should be by a secret ballot or a checkoff system. The Government has to take a view on that.

SHRI P. UPENDRA: Arising out of the Minister's answer is the question of introducing and passing a comprehensive Industrial Relations Bill, not merely for the recognition of the unions but for all related matters. A Bill was conceived in 1990. A lot of discussions were held with various trade unions on the provisions of the Bill. But, unfortunately, the Bill could not be passed. Will the Minister

inform the House at what stage the comprehensive Industrial Relations Bill is now? I would like to know whether the Government is contemplating passing such a Bill very soon.

SHRI P.A. SANGMA: Sir, the proposal for a comprehensive legislation on the new industrial relations actually dates back to 1990. In fact, in my first tenure as Labour Minister I had introduced a Bill here. It was in 1987, I suppose. This matter is under discussion for almost two decades now. But as far as the latest action taken by the Government is concerned, we have completed the process of cunsultation with all concerned for bringing about a comprehensive change in the existing labour laws of the country and it is at the final stage. The matter has been referred to the Cabinet now and I am awaiting a Cabinet meeting to be held to get its approval.

श्री एस० एस० अहलुवालिया: सभापति जी, माननीय मंत्री जी से जानना चाहूंगा कि 15-5-90 को जो सभी केन्द्रीय व्यवसाय संगठनों के प्रतिनिधियों के साथ जो मंत्री महोदय की बैठक हुई उसमें क्या ऐसा भी कोई विचार आया है कि ऐसे संगठन जो इंडस्ट्रियल डिस्प्यूट एक्ट की धारा 22, 23, 24 के तहत गैर कानूनी हड़तालों को मदद करते हैं या गैर कानूनी हड़ताल करते हैं जिससे राष्ट्रीय आय को क्षति पहुंचती है ऐसे संगठनों का भी पंजीकरण किया जाता है तो उनके पंजीकरण को रद्द करने के लिए कोई सुझाव आया है? अगर आया है तो सरकार इस पर कुछ सोच रही है या नहीं?

SHRI P.A. SANGMA: Sir, the new proposals actually embrace all aspects of labour laws including what the hon. Member has said.

SHRI SANGH PRIYA GAUTAM: Sir, the Scheduled Caste and Scheduled Tribe employees have got certain specific problems, apart from the common problems of the employees. Having taken into consideration this aspect, almost in all the Government undertakings, all over the country, the employees belonging to these communities have formed their separate unions and associations. There is a long-standing demand of these employees for recognition of their associations. I would like to know from the hon. Minister— this is the first part of my supplementary—whether he is going to give recognition to these associations and when? Secondly, it has been seen that generally the office-bearers of the unions do not discharge their official duties assigned to them in almost all the undertakings. They devote their full time for the unions and draw salaries from the Government. I would like to know whether the hon. Minister proposes to fix some accountability in regard to the discharge of the official duty on such office bearers.

SHRI P.A. SANGMA- Sir, as far as recognition of the unions formed by the Scheduled Caste and the Scheduled Tribe employees is concerned, a tripartite committee constituted by the Labour Ministers' Conference under the Chairmanship of Mr. Ramanujam, has specifically recommended that no union based on caste, creed or religion should be allowed. This is the recommendation of the Ramanujam Committee. This matter was discussed by a group of State Labour Ministers. This group of Sfate Labour Ministers also endorsed the view that unions based on caste, creed or religion should not be allowed. Now, both these recommendations are before the Government. We are looking into the constitutional aspect from a legal angle, whether such a provision of not allowing unions on the basis of caste, creed or religion, particularly of... *(interruptions).*

SHRI SANGH PRIYA GAUTAM: I want to know whether you suggest a separate provision for these communities in the Constitution itself.

SHRI P.A. SANGMA: I am coming in your favour. We are examining whether ban on a union based on caste and creed will have constitutional validity or not and whether it will not infringe the fundamental right of having associations or not. We are examining this aspect.

SHRI SANGH PRIYA GAUTAM: Sir. I want to know what the opinion of the hon. Minister about associations is.

MR. CHAIRMAN: The Hon. Minister has answered it. We want to make use of this untroubled Question Hour. Therefore, Q. No. 83.

Low demand for F.C.V. Tobacco

*83. DR. YELAMANCHILI SIVAJI: Will the Minister of COMMERCE be pleased to state:

(a) whether it is a fact that the production of F.C.V. Tobacco is more than its demand during the current year;